

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

---

Exzabrian W.,

Civ. No. 17-4688 (ADM/BRT)

Plaintiff,

v.

**Order**

Nancy A. Berryhill,  
Acting Commissioner of  
Social Security,

Defendant.

---

James H. Greeman, Esq., Greeman Toomey PLLC, counsel for Plaintiff.

Gregory G. Brooker, Esq., Marisa Silverman, Esq., United States Attorney's Office,  
counsel for Defendant.

---

The above matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Becky R. Thorson dated December 20, 2018. No objections have been filed to that Report and Recommendation in the time period permitted. Based upon the Report and Recommendation of the Magistrate Judge, upon all of the files, records, and proceedings herein, the Court now makes and enters the following Order.

**IT IS HEREBY ORDERED** that:

1. Plaintiff's Motion for Summary Judgment (Doc. No. 12) is **GRANTED**;
2. Defendant's Motion for Summary Judgment (Doc. No. 15) is **DENIED**;

and

3. This matter is **REMANDED** to the Commissioner for further proceedings pursuant to 42 U.S.C. § 405(g) (sentence four). Pursuant to 20 C.F.R. § 404.1527, on remand the ALJ should evaluate the opinion of Paul Erickson, M.D. that Plaintiff has marked limitations in his ability to respond appropriately to work pressures in a usual work setting and give good reasons for the weight accorded to this treating physician's opinion. The ALJ should consider Dr. Erickson's opinion at steps three, four, and five of the sequential evaluation process.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Date: January 8, 2019

s/Ann D. Montgomery  
ANN D. MONTGOMERY  
United States District Judge